UNITED	<b>STATES</b>	DIŞTI	RIC	T COU	JRT
SOUTHE	ERN DIST	RICT	OF	NEW	YORK

ELSA GULINO, MAYLING RALPH, PETER WILDS, and NIA GREENE, on behalf of themselves and all others similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

Defendant.

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96 Civ. \$414 (KMW) ED: 12/10/19

[PROPOSED]
JUDGMENT
FOR
MADELYN VARGAS

WHEREAS, the Court certified a remedy-phase class of Plaintiffs (See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y., Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Madelyn Vargas ("Claimant") is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008]);

WHEREAS, the Board of Education of the City School District of the City of New York ("BOE") and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Supplemental Index of Exhibits (collectively referred to as the "Classwide Exhibits") filed with the Court, [ECF No. 1837];

WHEREAS, Plaintiffs and the BOE executed a Stipulation Regarding Expedited Class Members dated October 2, 2019, and have prepared the annexed Findings of Fact and Conclusions of Law for Madelyn Vargas, which the Special Master recommends that the Court adopt;

WHEREAS, the Special Master recommended, and the parties agreed with the Special Master's recommendation, that the Court certify this judgment as final and appealable pursuant to <u>Federal Rule of Civil Procedure 54(b)</u>;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Findings of Fact and Conclusions of Law for Madelyn Vargas (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Madelyn Vargas will have judgment against the BOE as follows:

- 1. Backpay in the amount of \$270;
- 2. LAST Fees in the amount of \$440; and
- 3. Pre-judgment interest calculated to be \$376.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Madelyn Vargas will be entitled to the following non-monetary relief:

- 1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
  - a. Incorporate Madelyn Vargas' counterfactual monthly service history, as listed on Exhibit A to the Stipulation Regarding Madelyn Vargas; and
  - b. Grant Madelyn Vargas retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court adopts the Special Master's recommendation that this judgment be certified as final and appealable pursuant to <u>Federal Rule of Civil Procedure 54(b)</u> and expressly determines that there is no just reason for delay for the reasons stated in the Special Master's Report and Recommendation.

This Judgment Entry is certified and entered by the Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated: 12/10/19 ENTERED

Kinh M. Word